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EXAMINER	
KIM, TAE K	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/517,018	HABER-LAND-SCHLOSSER ET AL.	
	Examiner	Art Unit	
	TAE K. KIM	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 October 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) *23* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22 and 24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This is in response to the Applicant's response filed on February 4, 2008. Claim 23 has been cancelled by the Applicant. Claims 1 – 22 and 24, where Claims 1, 18, and 24 are in independent form, are presented for examination.

Claim Objections

With regards to the amendments made to Claims 2, 17, and 20 to clarify the claim language to further limit the dependent claims, examiner has withdrawn the objection to Claims 2, 17, and 20.

Response to Arguments

Applicant's arguments filed on February 4, 2008 have been fully considered but they are not persuasive. Applicant argued:

a) Kehr does not disclose an automated determination of context related data from the network.

b) One skilled in the art would not combine the teachings of Kanevsky's emergency backup system to backup data *in case a decreased attainability status of said mobile telephone is detected* to the invention described by Kehr.

Examiner respectfully disagrees with applicant's assertions.

1. With regards to a), Kehr specifically discloses that "[t]his Web server is used to enhance Web pages *dynamically* with context information collected by the mobile..." (Pg. 2, Para. 3; emphasis added). It is well known that the definition of dynamic is used

to describe usually continuous and productive activity or change. Additionally, the context information about the mobile user is served to someone that requests it "*without interaction*" (Pg. 2, Para. 6; emphasis added). Therefore, Kehr specifically teaches that the location information of the mobile device is dynamically (automatically) updated within the mobile device and the Web site is automatically updated with this new information.

Application also suggests that the templates that can be modified by the mobile user teaches away from the automatic updating of the Web page with automatically updated location information. The template is used to provide structure of what to display on the Web page. These fields do not have to be manually updated by the mobile user. It is inherent that the location information is automatically obtained by the mobile device from the GSM network when no interaction by the mobile user is required to update location information on the Web page. The template determines what location information is automatically updated and displayed on the Web page and is not manual entry fields presented to the mobile user to update location information. The user does not have to update any information regarding the location of the mobile device.

Applicant further suggests that Fig. 2 of Kehr describes the only implementation of this device. Kehr clearly states that Fig. 2 illustrates the second mode of operation that is available within this system (Pg. 2, Para. 6). The first mode of operation is without user interaction as stated above. The first mode of operation anticipates that the personal Web page is automatically updated with location information of the mobile

device, where the location information is automatically updated by the mobile device within the GSM network.

2. With regards to b), foremost, Applicant suggests that that the combined teachings of Kehr and Kanevsky would not lead one skilled in the art to the claimed limitation of Claim 24. Applicant is silent as to whether this rationale also applies to similar limitations found within Claims 12 and 22.

As indicated in the Non-Final Action mailed on October 5, 2007, all the limitations of Claims 12, 22, and 24 are disclosed by Kehr. The further limitation of detecting the attainability status of the mobile telephone device and initiating the download of the mobile homepage when there is a decreased attainability status is disclosed by Kanevsky as explained below.

Applicant attempts to distinguish the words "emergency" and "reduced attainability status" regarding Kanevsky and the invention, respectively, by narrowing the term "attainability" to the definitions of signal strength, wireless connectivity, or connectivity. Applicant specifically states that the claimed limitation is "only for a situation in which it is possible that a mobile homepage may no longer be downloaded due to a reduced attainability status" (Pg. 15 of Applicants response). The claimed language strongly suggests a broader definition of "attainability" than suggested by the Applicant. Kanevsky discloses a backup system for electronic devices within a "zone of danger" (Fig. 4). Kanevsky further discloses that the network may also include connected hand held computers, such as one or more personal digital assistants, which are mobile phone devices capable of storing data (Col. 2, Lines 25-28). Within this

network, when an alert is triggered, the vulnerable devices initiate a backup process to store pre-selected information to a remote computer that has the capacity to store this information (Col. 2, Lines 37-55). It is inherent when a PDA located within this "zone of danger" that the PDA's attainability by a remote server is reduced due to the environmental conditions specified in Kanevsky. For example, if there is a fire within the area the PDA is located, the Kanevsky backup system would download data stored in the PDA to another device within a safer environment if the PDA may no longer be attainable due to the fire within the area. Therefore, Kanevsky discloses the ability to detect the attainability status of a mobile telephone device and initiating the download of data from the mobile device when there is a decrease of attainability.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 7, 8, 11, and 19 – 21 are rejected under 35 U.S.C. 102(b) as being anticipated by the published thesis "Look Ma', My Homepage is Mobile!," written by Roger Kehr and Andreas Zeidler (hereinafter referenced as "Kehr").

3. Regarding Claims 1 and 2, Kehr discloses a method for automatically adapting the contents of a mobile homepage of a mobile telephone device in accordance with context related information of said device comprising of automatically determining context related information of said mobile telephone device with regard to different

context related information and automatically adapting said mobile homepage in accordance with said determined context related information (Pgs. 1 – 3; discloses a mobile homepage system built on top of an implementation of small web server inside a SIM of a mobile communication device, where the homepage is dynamically adapted to the context a mobile user is currently in, without interaction from the mobile user, such as location (country, network, area) and text configuration notifying the new and updated (evaluating context information with different context information) status of the user or the mobile device).

4. Regarding Claims 3 and 4, Kehr discloses all the limitation of Claim 1 above. Kehr further discloses that the mobile device dispatches a communication request (Pg. 2; after incoming HTTP requests are parsed, the commands encoded in the URL are executed and the responses are sent back by SMS to the proxy where the server returns a document that describes the requested information).

5. Regarding Claim 5, Kehr discloses all the limitation of Claim 3 above. Kehr further discloses that the communication request is a multimedia call (Pg. 2; communication from the internet is achieved by a so-called proxy server and the HTTP requests are tunneled within SMS messages sent from a mobile phone attached to the proxy server).

6. Regarding Claim 6, Kehr discloses all the limitation of Claim 1 above. Kehr further discloses that said context related information comprises communication properties (Pg. 2; returned homepage information can contain the country, the operator network, and location information).

7. Regarding Claim 7, Kehr discloses all the limitation of Claim 1 above. Kehr further discloses that the mobile device transmits the generated mobile homepage (Pgs. 2 – 3; the homepage is generated and automatically returned to the person requesting that information).

8. Regarding Claim 8, Kehr discloses all the limitation of Claim 1 above. Kehr further discloses that the mobile device receives an identification of the originator of a communication attempt (Fig. 2; Pg. 2; figure shows that the originator of the communication attempt is displayed to the user to determine whether or not the request should be answered).

9. Regarding Claim 11, Kehr discloses all the limitation of Claim 1 above. Kehr further discloses that the mobile telephone device can download the contents of a mobile homepage of said mobile telephone device, storing said downloaded mobile homepage on a server, said server containing a homepage, thereby automatically updating said homepage on said server according to said mobile homepage of said mobile telephone device (Pg. 3; each user has the ability to upload the homepage to the proxy server).

10. Regarding Claims 19 and 20, Kehr discloses a mobile telephone device comprising of a server that provides a server functionality to said mobile telephone device (Fig.1; Pg. 2; proxy server that implements many of the functionality needed for the provision of mobile users' homepages), a storage for storing at least one homepage on said mobile telephone device (Pg. 2 – 3; homepage is implemented inside a SIM, which has computing power and memory, inside the mobile device), characterized by a

processor configured to determine context related information with regard to different context related information of said mobile telephone device and to adapt said homepage according to said determined context related information (Pgs. 2 – 3; homepages are dynamically adapted to the context a mobile user is currently in such as location (country, network, area) and text configuration notifying the new and updated (evaluating context information with different context information) status of the user or the mobile device).

11. Regarding Claims 21, Kehr discloses all the limitation of Claim 19 above. Kehr further discloses that the mobile telephone device has a processor configured to connect said mobile telephone to a server, and configured to transfer the contents of a mobile homepage of said mobile telephone device to said server (Pg. 3; each user has the ability to upload the homepage to the proxy server).

12. Regarding Claim 23, Kehr discloses a server connectable to a mobile telephone device comprising of storage for storing at least one homepage, characterized by a processor configured for downloading a mobile homepage from said mobile telephone device, and a storage being connected to said processor for storing said downloaded homepage (Pg. 2 – 3; proxy server that can be used to download the mobile homepage acts as a gateway to the internet and also implements many of the functionality needed for the provision of mobile users' homepages).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kehr, in view of U.S. Appl. 2002/0180579 A1, filed by Tatsuji Nagaoka et al. (hereinafter referenced as "Nagaoka").

13. Regarding Claims 9 and 10, Kehr discloses all the limitations of Claim 6 as stated above. Kehr, however, does not specifically disclose that the communications properties comprise of information about a communication connection or communication state of the mobile telephone.

Nagaoka discloses the use of stored communication capacity information to determine how to display the requested service onto the mobile device: the maximum communication speed, display capacity, and communication standard associated with the corresponding model of the mobile telephone (Pg. 5, Para. 0085; Pg. 7, Para. 0133). It would be obvious to one skilled in the art to incorporate the teachings of Nagaoka with Kehr since the communication speed and other properties of the mobile device will determine how much homepage information can be stored within the mobile device and the speed in which this information can be delivered to a request of this information. The communication capacity information of a particular mobile device can determine how the homepage is delivered from the mobile device, which can be used to determine possible solutions for low bandwidth or memory size that may lower the quality of service in supplying the homepage.

Claims 14, 16 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kehr, in view of U.S. Patent 5,956,487, invented by Chandrasekar Venkatraman (hereinafter referenced as "Venkatraman").

14. Regarding Claim 14, Kehr discloses all the limitations of Claim 1 as stated above. Kehr, however, does not specifically disclose that the homepage is an HTML or XHTML homepage.

Venkatraman discloses the use of HTML to create a webpage (Col. 3, Lines 29-30). It would have been obvious to one skilled in the art at the time the application was filed to create the homepage was an HTML file. HTML allows the homepage to contain text, images, multimedia files, forms, and tables that are supported by HTML protocols (Col. 3, Lines 39-41). The various object types that are supported by HTML allow the user to customize the homepage with more than simple text.

15. Regarding Claims 16 – 18, Kehr discloses all the limitations of Claim 1 as stated above. Kehr, however, does not specifically disclose of a software tool, computer program code, or a computer program product stored in a computer readable medium comprising of program code means for carrying out the steps of automatically adapting the contents of a mobile homepage when the program is run on a computer, a network device, or a mobile telephone device.

Venkatraman discloses that the web server functionality of a device includes software executed by a processor to serve the HTTP protocols commands and generate the HTML formatted files (Col. 4, Lines 51-53). Venkatraman also discloses that the device includes a web server that provides web server functions (Fig. 1a; Col.

3, Lines 5-16) and that the communication mechanisms can include local area networks, cellular telephone links, serial communication links, or a direct connection to the internet (Col. 3, Lines 64 – Col. 4, Lines 4). Furthermore, Venkatraman discloses that the device comprises of a processor, memory, device-specific hardware, and input/output circuitry and the firmware or software is stored in the available memory (Fig. 1b; Col. 4, Lines 5-8 and 37-41). It would have been obvious to one skilled in the art at the time the application was filed that to create and modify a homepage requires that software or computer code is used to process the web server functionality necessary. Furthermore, it is also obvious to one skilled in the art that the software program is stored on a computer readable medium within the device. Software or computer code is necessary for a processor to determine how to process certain inputs and produce certain outputs within a communication system. Storing the software in a computer readable medium allows the processor to perform other its functions continuously without user input.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kehr, in view of U.S. Patent 6,430,624 B1, invented by Mark Jamtgaard et al. (hereinafter referenced as "Jamtgaard").

16. Regarding Claim 15, Kehr discloses all the limitations of Claim 1 as stated above. Kehr, however, does not specifically disclose that the homepage is a WML homepage.

Jamtgaard discloses the use of WML protocol to provide internet content on a mobile phone (Fig. 1; Col. 1, Lines 46-55). It would have been obvious to one skilled in the art at the time the application was filed that WML could also be used to display the

homepage. A device that is able to support a multitude of different markup languages, protocols, and browsers will effectively establish a wireless presence within a given market.

Claim 12, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kehr, in view of U.S. Patent 6,496,949 B1, invented by Dimitri Kanevsky et al. (hereinafter referenced as "Kanevsky").

17. Regarding Claims 12, 22, and 24, Kehr discloses all the limitations of Claims 11, 21, and 23 as stated above. Kehr, however, does not specifically disclose that downloading is initiated when it is detected that the attainability of the mobile device is expected to be reduced.

Kanevsky discloses an emergency backup system for backing up data on one or more computer located in an identified danger zone where a remote sensor sends a signal to the "endangered" computers to download data when it detects the occurrence of an emergency condition (Abstract; Col. 2, Lines 27-49). Kanevsky further discloses that this system can be implemented within a wireless network and a PDA (Abstract). It would be obvious to one skilled in the art to incorporate the teaching of Kanevsky with Kehr due to the instability or the availability of network devices. When a wireless device is used to directly response to requests for information, downloading that information to another storage device, whenever there are issues regarding the availability of the wireless device, allows the requested information to be available if the wireless device is not. Backing up the data also allows retrieval of that information by the wireless device if any information is lost.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kehr, in view of U.S. Appl. 2002/0188887 A1, invented by Kenneth Largman et al. (hereinafter referenced as "Largman").

18. Regarding Claim 13, Kehr discloses all the limitations of Claim 1 as stated above. Kehr, however, does not specifically disclose that when the mobile device is not connectable, the communication request is rerouted to another device to retrieve that request.

Largman discloses an emergency startup system that switches to a separate data storing device within the system when the primary device is not available (Pg. 6, Para. 0128). It would be obvious to one skilled in the art to incorporate the teaching of Largman with Kehr due to the instability of wireless signals. When a wireless device is used to directly response to requests for information, alternative destinations to retrieve the required information if the wireless device is unavailable will provide consistent service to those requesting it.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae K. Kim, whose telephone number is (571) 270-1979. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess, can be reached on (571) 272-3949. The fax phone number for submitting all Official communications is (703) 872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the examiner at (571) 270-2979.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Glenton B. Burgess/

Supervisory Patent Examiner, Art Unit 2153

/Tae K. Kim/